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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 20th May, 1965/Vaisakha 30, 1887 (Saka)

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) ORDINANCE, 1965

No. 2 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

An Ordinance further to amend the Aligarh Muslim University Act, 1920.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Aligarh Muslim University (Amendment) Ordinance, 1965.

(*2*) It shall come into force at once.

Act 40 of 1920 to be temporarily amended.

2. During the period of operation of this Ordinance, the Aligarh Muslim University Act, 1920 (hereinafter referred to as the principal Act), and the Statutes thereunder shall have effect subject to the amendments specified in this Ordinance.

Amendment of section 23.

3. In section 23 of the principal Act,—

(*a*) in sub-section (*1*), the words and brackets "and the Pro-Vice-Chancellor (if any) for the time being," shall be omitted;

(*b*) for sub-sections (*2*) and (*3*), the following sub-section shall be substituted, namely:—

"(*2*) The functions of the Court shall be—

(*a*) to advise the Visitor in respect of any matter which may be referred to the Court for advice;

(*b*) to advise any other authority of the University in respect of any matter, which may be referred to the Court for advice; and

(*c*) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act.".

Amendment of section 28.

4. For sub-sections (*2*), (*3*), (*4*), (*5*) and (*6*) of section 28 of the principal Act, the following sub-section shall be substituted, namely:—

"(*2*) The Executive Council may make new or additional Statutes or may amend or repeal the Statutes; but every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction or disallow it or return it to the Executive Council for further consideration.".

Amendment of section 29.

5. For sub-sections (*4*), (*5*), (*6*) and (*7*) of section 29 of the principal Act, the following sub-sections shall be substituted, namely:—

"(*4*) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Visitor who may pass such order thereon as he thinks fit.

(*5*) Every Ordinance made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may within two months from the date of receipt thereof disallow any such Ordinance or return it to the Executive Council for further consideration.

(6) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of two months from the date of such order.".

Amendment of section 31.

6. In section 31 of the principal Act, the proviso to sub-section (3) shall be omitted.

Substitution of new section for section 34.

7. For section 34 of the principal Act, the following section shall be substituted, namely:—

Annual report.

"34. The annual report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Visitor on or before such date as may be prescribed by the Statutes.".

Amendment of section 35.

8. In section 35 of the principal Act, sub-section (3) shall be omitted.

Amendment of section 38.

9. In section 38 of the principal Act, in sub-section (2), the words beginning with ": provided that" and ending with "meeting of the Court" shall be omitted.

Amendment of Statutes.

10. Notwithstanding anything contained in the principal Act, the Statutes of the University shall be amended as follows:—

(i) in clause (2) of Statute 4, the word "ordinarily" shall be omitted;

(ii) in Statute 5,—

(a) for clauses (1), (2) and (3), the following clauses shall be substituted, namely:—

"(1) The Treasurer shall be appointed by the Executive Council and shall be a whole-time officer of the University.

(2) The terms and conditions of service of the Treasurer shall be such as may be prescribed by the Ordinances.";

(b) in clause (5),—

(A) in sub-clause (a), the words "and the Court" shall be omitted;

(*B*) in sub-clause (*d*), for the word "convene", the word "attend" shall be substituted;

(*iii*) in Statute 6, after clause (*3*), the following clause shall be inserted, namely:—

"(*4*) (*a*) The Registrar shall have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(*b*) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment.

(*c*) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations, for such action as the Vice-Chancellor deems fit.";

(*iv*) for Statute 8, the following Statute shall be substituted, namely:—

The Court.

"8. (*1*) The Court shall consist of the following members, namely:—

(*a*) the Chancellor, *ex officio,*

(*b*) the Pro-Chancellor, *ex officio,*

(*c*) the members of the Executive Council, *ex officio,*

(*d*) three persons, being Heads of Departments of Studies or Principals of Colleges of the University, nominated by the Visitor,

(*e*) two persons, being Professors from Departments of Studies or Colleges of the University, nominated by the Visitor,

(*f*) two persons from among teachers of the University other than Professors, nominated by the Visitor,

(*g*) three representatives of Parliament, two to be nominated by the Speaker of the House of the People from among the members thereof and one to be nominated by the Chairman of the Council of States from among the members thereof, and

(*h*) thirty persons nominated by the Visitor from among persons who are men of standing in public life or have special knowledge or practical experience in education or have rendered eminent services in the cause of education.

(2) All members of the Court, other than *ex officio* members, shall hold office for a term of three years.

(3) Seventeen members of the Court shall form a quorum.";

(*v*) Statute 13 shall be omitted;

(*vi*) in Statute 14, in clause (*1*),—

(*a*) for the word "Court", the words "Executive Council" shall be substituted;

(*b*) in sub-clause (*a*), the words "through the Executive Council" shall be omitted;

(c) in sub-clause (b), the words "on the recommendation of the Executive Council," shall be omitted;

(*vii*) for Statute 15, the following Statute shall be substituted, namely:—

"15. (*1*) The Executive Council shall consist of the following members, namely:— The Executive Council.

(*a*) the Vice-Chancellor, *ex officio*,

(*b*) seven persons nominated by the Visitor, and

(c) one person nominated by the Chief Rector in his discretion.

(*2*) All members of the Executive Council, other than *ex officio* members, shall hold office for a term of three years.

(*3*) Five members of the Executive Council shall form a quorum.";

(*viii*) in Statute 16,—

(*a*) in clause (*1*), for the word "Court", the word "Visitor" shall be substituted, and the words "not otherwise provided for" shall be omitted;

(*b*) in clause (*2*),—

(*A*) for sub-clause (*ii*), the following sub-clause shall be substituted, namely :—

"(*ii*) to appoint members of the administrative staff;";

(*B*) after sub-clause (*ii-A*), the following sub-clause shall be inserted, namely :—

"(*ii-B*) to regulate and enforce discipline among members of the teaching, administrative and ministerial staff of the University in accordance with these Statutes and the Ordinances;";

(*C*) in sub-clause (*viii*), the words ", otherwise than by an act of the Court" shall be omitted;

(*D*) in clause (*xii*), the word "and" occurring at the end shall be omitted;

(*E*) after sub-clause (*xii*), the following sub-clause shall be inserted, namely :—

"(*xii-A*) to delegate any of its powers to the Vice-Chancellor, the Registrar or such other officer or authority of the University or to a Committee appointed by it as it may deem fit; and";

(*ix*) in Statute 18,--

(*a*) in item (*i*), the words "the Court or" shall be omitted;

(*b*) in item (*x*), for the word "Court", the words "Executive Council" shall be substituted;

(*x*) in Statute 19A,—

(*a*) in clause (*1*),—

(*A*) for item (*iv*), the following item shall be substituted, namely :—

"(*iv*) one person who is not an employee of the University, appointed by the Executive Council;";

(*B*) item (*v*) shall be omitted;

(*b*) in clause (*2*), for the word "Three", the word "Two" shall be substituted;

(*c*) in clause (*4*), the words "In the absence of the Vice-Chancellor, the Treasurer shall preside at a meeting thereof." shall be omitted;

(*xi*) in Statute 25A,—

(*a*) in clause (*2*), for the words "contained in the terms of his appointment,", the words "to the contrary contained in the terms of his contract of service or of his appointment" shall be substituted and the proviso shall be omitted;

(*b*) after clause (*2*), the following clause shall be inserted, namely:—

"(*3*) (*a*) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Executive Council shall be entitled to dismiss a teacher on grounds of misconduct, but save as aforesaid, the Executive Council shall not be entitled to determine the employment of a teacher save for good cause and after giving three months' notice in writing or payment of three months' salary in lieu of such notice.

(*b*) The determination of a teacher's employment shall require a two-thirds majority of the members of the Executive Council present and voting.

(*c*) The Vice-Chancellor may suspend a teacher against whom any misconduct is alleged and shall report the case to the next meeting of the Executive Council, but before any orders for dismissal are passed, the teacher shall be informed of the allegations made against him and shall be given a reasonable opportunity of making such representations to the Executive Council or to any Committee thereof appointed for the purpose, as he may desire to make.

(*d*) Any dismissal on the ground of misconduct shall take effect on the date on which the teacher was first suspended.

(*e*) Before a notice is given or payment is made to the teacher under sub-clause (*a*), he shall be informed by the Executive Council of the cause of the action proposed to be taken against him and shall be given a reasonable

opportunity of making such representations to the Executive Council or to any Committee thereof appointed for the purpose, as he may desire to make.

(*f*) Notwithstanding anything contained in the Statutes, the teacher may at any time terminate his employment by giving the Executive Council three months' notice in writing.";

(*xii*) Statute 28 shall be omitted.

Transitional provisions.

11. (*1*) Every person holding office as a member of the Court or the Executive Council, as the case may be, immediately before the commencement of this Ordinance, shall on such commencement cease to hold office as such:

Provided that where any such person holds immediately before such commencement any other office in the University, nothing contained in this sub-section shall be construed to affect his continuance in such other office.

(2) Until the Court is constituted in accordance with the provisions of section 3 read with clause (*iv*) of section 10 or the Executive Council is constituted in accordance with the provisions of clause (*vii*) of section 10, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and perform the duties conferred or imposed by or under the principal Act as amended by this Ordinance on the Court or the Executive Council, as the case may be.

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Special Secy. to the Govt. of India.

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